

Notice of Allowability

Application No.

10/502,058

Examiner

Tri V. Nguyen

Applicant(s)

ICHI ET AL.

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 09/05/06.
2. ☒ The allowed claim(s) is/are 1-4, 6-10, 16-17.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>11/03/06</u> |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

Tri V. Nguyen
TRI V. NGUYEN
PRIMARY EXAMINER

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone conversation on November 06, 2006 with Applicant Representative Gi-In An.

2. The application has been amended as follows:

2.1 Claim 1 has been replaced with:

-- A method for preparing a purple corn coloring agent, which comprises the steps of passing a purple corn coloring agent extract solution through an adsorption resin, washing the resin with water, and desorbing a purple corn coloring agent from the resin using 25 to 45% v/v hydroalcoholic solution as a desorption solution, wherein the resulting purple corn coloring agent is characterized in being free of fumonisins. --

2.2 In claim 2, first line, "color" has been replaced with -- coloring agent -- .

2.3 In claim 6, first line, "color" has been replaced with -- coloring agent -- .

2.4 Claim 7 has been replaced with -- The method according to claim 6, wherein the treatment is a membrane separation treatment. -- .

2.5 In claim 16, second line, delete "instead of 25 to 45% v/v hydroalcoholic solution".

2.6 Claims 5 and 11-15 have been cancelled.

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3. The title has been replaced with:

-- A METHOD OF PREPARING A PURIFIED PURPLE CORN COLORING AGENT.--

4. The abstract has been replaced with:

-- A method of preparing a purified purple corn coloring agent comprising passing a purple corn color extract solution through an adsorption resin, washing with water, and releasing the purple corn color from the resin with the use of an aqueous solution containing alcohol of 25 to 45 v/vt %. --

STATEMENT OF REASONS FOR ALLOWANCE

5. The following is an examiner's statement of reasons for allowance: The most pertinent prior art known to the Examiner is listed on the attached forms PTO-892 and 1449. As shown by Yasuda et al., the close prior art of record, it is well-known to extract a coloring agent from purple corn with an adsorption resin, rinsing with water and eluding with a hydroalcoholic solution. However, none of the prior art of record including Yasuda et al. provides sufficient suggestion or motivation to use the specific 25 to 45 % v/v hydroalcoholic solution to eliminate the fumonisin from the coloring agent as required in the present claims. Accordingly, the claimed invention, as a whole, would not have been obvious to one of ordinary skill in the printing art. None of the prior art of record teaches, discloses or suggests a method of preparing a coloring agent from purple corn extract in the manner as those recited the present claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri V. Nguyen whose telephone number is (571) 272-6965. The examiner can normally be reached on M-F 8:00 AM to 5:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas McGinty can be reached on (571) 272-1029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NVT.

nvt

Lornam M. Douyon

LORNAM DOUYON
PATENT EXAMINER